

Remarks

Claims 1, 3-6, and 9 are pending in this application. Claims 1, 3-6, and 9 are rejected. Claims 1 and 6 have been amended. Applicant respectfully requests reconsideration of the present application in view of the present amendment.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell, hereinafter "*Russell*," (U.S. 5,125,547) in view of Thompson, hereinafter "*Thompson*" (U.S. 6,325,262). Applicant respectfully requests reconsideration in view of the following remarks.

Claim 1, as amended, recites that the compression straps are connected proximate the base and are releasably cooperable with a first set of connectors proximate the upper opening. It further recites that the shoulder straps are connected adjacent the first set of connectors and terminate in a second set of connectors. The second set of connectors are cooperable with the compressions straps when the compression straps are not cooperating with the first set of connectors. The sack can therefore operate to compress materials located inside when the compression straps are connected to the first set of connectors, or can operate as a backpack when the compression straps are connected to the second set of connectors located on the shoulder straps. While in the compression configuration, the shoulder straps can be stowed away by placing them between the panel and the wall of the sack. The sack can therefore serve two purposes without having extraneous straps dangling out while in either mode.

The sleeping system does not teach the invention of claim 1. The "sack" of *Russell* is actually a rolled up "sleep system" with attached shoulder straps. (*Russell* at Col. 11, lines 1-4 and 21-23). The sleep system is not a sack that can receive other materials, as shown by Figs. 9-12, but is merely a way of compressing a sleeping bag for transport. The sleep system does not teach a pair of shoulder straps that terminate in a set of connectors cooperable with

compression straps. Instead, the shoulder straps 176 and 178 are connected to the upper and lower end caps. (*Russell* at Col. 11, lines 21-23). *Russell* also does not teach a panel member attached to the body of the sleep system, making it impossible to stow the shoulder straps outside of the body if they weren't in use. Furthermore, since the shoulder straps are connected to the sleep system on both ends, even if there was a panel member like the one in *Thompson*, the shoulder straps wouldn't be able to be removably stowed between it and the body.

The combination of *Russell* and *Thompson*, however, would not be obvious in the first place. *Thompson* is directed to a slim backpack for athletic activities that has no other purpose but for carrying small items. It is unable to compress the material inside and would have no utility whatsoever if its shoulder straps were removed or stowed behind a panel. *Russell* is directed to a sleep system that can be rolled up and compressed for easier transportation, but is not meant to carry compressible materials. It would therefore not be obvious to use a panel from *Thompson* in the sleep system of *Russell* to attempt to teach the claimed invention.

Applicants also respectfully disagree with several of the assertions by the Examiner in the instant Office Action. The Examiner states that *Russell* element 164 constitutes a cover fastener releasably fastening proximate the base. As seen in Fig. 12 and described in the specification, 164 is a slide fastener for an end pocket 156 located at the very top of the sleep system. (*Russell* at Col. 11, lines 11-14). The Examiner then goes on to say that the cover fastener 164 is operable to compress material in the body portion. Slide fastener 164 can in no way compress the material in the sleep system, it merely holds an end pocket onto it. The cover fastener of the claimed invention, by virtue of its configuration and location near the base, can serve a compressive function as well as holding the cover over the opening.

Claim 6 is similar to claim 1 in that the shoulder straps terminate in connectors which are cooperable with the compression straps and that the compression straps can also cooperate with another set of connectors to form a compression sack. The shoulder straps are similarly stowable behind the panel when the shoulder straps are not being used. Therefore claim 6 is patentable for at least the same reasons as claim 1. Claim 9 is dependent from claim 6 and therefore is patentable for at least the same reasons as above.

Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Russell* in view of *Thompson*, as applied to claim 1 above, and further in view of *Moore*, hereinafter "*Moore*" (U.S. 6,089,752).

Claims 3-5 are dependent from claim 1, which is patentable over *Russell* in view of *Thompson* for the reasons stated above. *Moore* does not rectify the deficiencies of *Russell* and *Thompson*. *Moore* does not teach a sack with shoulder straps terminating in a set of connectors that are cooperable with compression straps or a sack having a panel located on the outside that is capable of stowing the shoulder straps if not in use. In contrast, *Moore* teaches one shoulder strap 85 that connects on both ends to D-rings connected to the end caps. *Moore* is incompatible with *Thompson* for similar reasons to those given above with respect to *Russell*.

Applicant respectfully submits that claim 1, 3-6, and 9 are patentable over *Russell* in view of *Thompson*, and further in view of *Moore*. Accordingly, Applicant requests the withdrawal of the rejection under 35 U.S.C. 103(a) to said claims.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Petition fee of \$555.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

ANDREW MONTGOMERY

By /John E. Nemazi/

John E. Nemazi

Reg. No. 30,876

Attorney/Agent for Applicant

Date: November 12, 2009

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351